

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against: )

LAWRENCE RICHARD COOPER, M.D. )

Case No. 800-2018-044574

Physician's & Surgeon's  
Certificate No. G81393 )

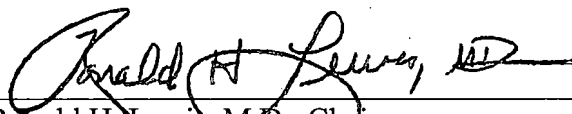
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Respondent. )

**ORDER CORRECTING NUNC PRO TUNC  
CLERICAL ERROR IN PHYSICIAN'S & SURGEON'S CERTIFICATE NUMBER**

On its own motion, the Medical Board of California (hereafter "board") finds that there is a clerical error reflecting the incorrect Physician's and Surgeon's Certificate Number in the caption of the Decision in the above-entitled matter, and that such clerical error should be corrected.

IT IS HEREBY ORDERED that the caption in the Decision in the above-entitled matter be and is hereby amended and corrected nunc pro tunc to reflect the correct Physician's and Surgeon's Certificate number of G81393.

IT IS SO ORDERED June 17, 2019.

  
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Ronald H. Lewis, M.D., Chair  
Panel A  
Medical Board of California

**In the Matter of the Accusation  
Against:**

**Case No. 800-2018-044574**

**Respondent**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on July 3, 2019.**

**IT IS SO ORDERED: June 4, 2019.**

Ronald H Lewis, MD

**Ronald H. Lewis, M.D., Chair**  
**Panel A**

1 XAVIER BECERRA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
3 JOSHUA M. TEMPLET  
Deputy Attorney General  
4 State Bar No. 267098  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3533  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*  
7

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2018-044574

13 **LAWRENCE RICHARD COOPER, M.D.**  
14 **3536 Mendocino Ave. Ste. 300**  
15 **Santa Rosa, CA 95403-3634**

OAH No. 2018120784

16 **STIPULATED SETTLEMENT AND**  
17 **DISCIPLINARY ORDER**

18 **Physician's and Surgeon's Certificate**  
19 **No. G 81393**

20 Respondent.

21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
25 of California (Board). She brought this action solely in her official capacity and is represented in  
26 this matter by Xavier Becerra, Attorney General of the State of California, via Joshua M.  
27 Templet, Deputy Attorney General.

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2. Respondent Lawrence Richard Cooper, M.D. (Respondent) is represented in this proceeding by attorney Joseph C. Gharrity, Hassard Bonnington, LLP, 275 Battery Street, Suite 1600, San Francisco, CA 94111-3370.

3. On June 7, 1995, the Board issued Physician's and Surgeon's Certificate No. G 81393 to Respondent. The certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2018-044574 and will expire on April 30, 2021, unless renewed.

#### **JURISDICTION**

4. Accusation No. 800-2018-044574 ("Accusation") was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 1, 2018. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of the Accusation is attached as **Exhibit A** and incorporated herein by reference.

#### **ADVISEMENT AND WAIVERS**

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the Accusation. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 9. Respondent understands and agrees that the charges and allegations in the  
3 Accusation, if proven at a hearing, constitute cause for imposing discipline on his Physician's and  
4 Surgeon's Certificate.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of  
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
7 basis for the charges in the Accusation and that Respondent hereby gives up his right to contest  
8 those charges.

9 11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to  
10 discipline and he agrees to be bound by the Board's probationary terms as set forth in the  
11 Disciplinary Order below.

12 **CONTINGENCY**

13 12. This stipulation shall be subject to approval by the Board. Respondent understands  
14 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
15 with the Board regarding this stipulation and settlement, without notice to or participation by  
16 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he  
17 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board  
18 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
19 the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this  
20 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
21 be disqualified from further action by having considered this matter.

22 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
23 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
24 signatures thereto, shall have the same force and effect as the originals.

25 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
26 the Board may, without further notice or formal proceeding, issue and enter the following  
27 Disciplinary Order:

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**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 81393 issued to Respondent Lawrence Richard Cooper, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years with the following terms and conditions:

1. **CONTROLLED SUBSTANCES - ABSTAIN FROM USE.** Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act; dangerous drugs as defined by Business and Professions Code, section 4022; and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition.

Within 15 calendar days of receiving any lawfully prescribed medications, Respondent shall notify the Board or its designee of the issuing practitioner's name, address, and telephone number; medication name, strength, and quantity; and issuing pharmacy name, address, and telephone number.

2. **ALCOHOL - ABSTAIN FROM USE.** Respondent shall abstain completely from the use of products or beverages containing alcohol.

3. **PROFESSIONALISM PROGRAM (ETHICS COURSE).** Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of California Code of Regulations, title 16, section 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education requirements for renewal of licensure.

A professionalism program taken after the acts that gave rise to the charges in the

1 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
2 or its designee, be accepted towards the fulfillment of this condition if the program would have  
3 been approved by the Board or its designee had the program been taken after the effective date of  
4 this Decision.

5 Respondent shall submit a certification of successful completion to the Board or its  
6 designee not later than 15 calendar days after successfully completing the program or not later  
7 than 15 calendar days after the effective date of the Decision, whichever is later.

8 4. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)  
9 days of the effective date of this Decision, Respondent shall provide to the Board the names,  
10 physical addresses, mailing addresses, and telephone numbers of any and all employers and  
11 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's  
12 worksite monitor, and Respondent's employers and supervisors to communicate regarding  
13 Respondent's work status, performance, and monitoring.

14 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or  
15 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff  
16 privileges.

17 5. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to  
18 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.  
19 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair  
20 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall  
21 make daily contact with the Board or its designee to determine whether biological fluid testing is  
22 required. Respondent shall be tested on the date of the notification as directed by the Board or its  
23 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at any  
24 time, including weekends and holidays. Except when testing on a specific date as ordered by the  
25 Board or its designee, the scheduling of biological fluid testing shall be done on a random basis.  
26 The cost of biological fluid testing shall be borne by the Respondent.

27 During the first year of probation and for the duration of the probationary term, up to five  
28 (5) years, Respondent shall be subject to 36 to 104 random tests per year. Only if there have been

1 no positive biological fluid tests in the previous five (5) consecutive years of probation, may  
2 testing be reduced to one (1) time per month. Nothing precludes the Board from increasing the  
3 number of random tests to the first-year level of frequency for any reason.

4 Prior to practicing medicine, Respondent shall contract with a laboratory or service,  
5 approved in advance by the Board or its designee, that will conduct random, unannounced,  
6 observed, biological fluid testing and meets all of the following standards:

7 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry  
8 Association or have completed the training required to serve as a collector for the United  
9 States Department of Transportation.

10 (b) Its specimen collectors conform to the current United States Department of  
11 Transportation Specimen Collection Guidelines.

12 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published  
13 by the United States Department of Transportation without regard to the type of test  
14 administered.

15 (d) Its specimen collectors observe the collection of testing specimens.

16 (e) Its laboratories are certified and accredited by the United States Department of Health  
17 and Human Services.

18 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day  
19 of receipt and all specimens collected shall be handled pursuant to chain of custody  
20 procedures. The laboratory shall process and analyze the specimens and provide legally  
21 defensible test results to the Board within seven (7) business days of receipt of the  
22 specimen. The Board will be notified of non-negative results within one (1) business day  
23 and will be notified of negative test results within seven (7) business days.

24 (g) Its testing locations possess all the materials, equipment, and technical expertise  
25 necessary in order to test Respondent on any day of the week.

26 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens for  
27 the detection of alcohol and illegal and controlled substances.

28 (i) It maintains testing sites located throughout California.



1 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line  
2 computer database that allows the Respondent to check in daily for testing.

3 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff  
4 access to drug test results and compliance reporting information that is available 24 hours a  
5 day.

6 (l) It employs or contracts with toxicologists that are licensed physicians and have  
7 knowledge of substance abuse disorders and the appropriate medical training to interpret  
8 and evaluate laboratory biological fluid test results, medical histories, and any other  
9 information relevant to biomedical information.

10 (m) It will not consider a toxicology screen to be negative if a positive result is obtained  
11 while practicing, even if the Respondent holds a valid prescription for the substance.

12 Prior to changing testing locations for any reason, including during vacation or other travel,  
13 alternative testing locations must be approved by the Board and meet the requirements above.

14 The contract shall require that the laboratory directly notify the Board or its designee of  
15 non-negative results within one (1) business day and negative test results within seven (7)  
16 business days of the results becoming available. Respondent shall maintain this laboratory or  
17 service contract during the period of probation.

18 A certified copy of any laboratory test result may be received in evidence in any  
19 proceedings between the Board and Respondent.

20 If a biological fluid test result indicates Respondent has used, consumed, ingested, or  
21 administered to himself or herself a prohibited substance, the Board shall order Respondent to  
22 cease practice and instruct Respondent to leave any place of work where Respondent is practicing  
23 medicine or providing medical services. The Board shall immediately notify all of Respondent's  
24 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or  
25 provide medical services while the cease-practice order is in effect.

26 A biological fluid test will not be considered negative if a positive result is obtained while  
27 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited  
28 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

1 After the issuance of a cease-practice order, the Board shall determine whether the positive  
2 biological fluid test is in fact evidence of prohibited substance use by consulting with the  
3 specimen collector and the laboratory, communicating with the licensee, his or her treating  
4 physician(s), other health care provider, or group facilitator, as applicable.

5 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the  
6 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

7 For purposes of this condition, the term "prohibited substance" means an illegal drug, a  
8 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by  
9 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been  
10 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

11 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited  
12 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the  
13 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to  
14 any other terms or conditions the Board determines are necessary for public protection or to  
15 enhance Respondent's rehabilitation.

16 6. WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty  
17 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or  
18 its designee for prior approval as a worksite monitor, the name and qualifications of one or more  
19 licensed physician and surgeon, other licensed health care professional if no physician and  
20 surgeon is available, or, as approved by the Board or its designee, a person in a position of  
21 authority who is capable of monitoring the Respondent at work.

22 The worksite monitor shall not have a current or former financial, personal, or familial  
23 relationship with Respondent, or any other relationship that could reasonably be expected to  
24 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its  
25 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite  
26 monitor, this requirement may be waived by the Board or its designee, however, under no  
27 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

28 The worksite monitor shall have an active unrestricted license with no disciplinary action

1 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms  
2 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth  
3 by the Board or its designee.

4 Respondent shall pay all worksite monitoring costs.

5 The worksite monitor shall have face-to-face contact with Respondent in the work  
6 environment on as frequent a basis as determined by the Board or its designee, but not less than  
7 once per week; interview other staff in the office regarding Respondent's behavior, if requested  
8 by the Board or its designee; and review Respondent's work attendance.

9 The worksite monitor shall verbally report any suspected substance abuse to the Board and  
10 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected  
11 substance abuse does not occur during the Board's normal business hours, the verbal report shall  
12 be made to the Board or its designee within one (1) hour of the next business day. A written  
13 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and  
14 any other information deemed important by the worksite monitor shall be submitted to the Board  
15 or its designee within 48 hours of the occurrence.

16 The worksite monitor shall complete and submit a written report monthly or as directed by  
17 the Board or its designee which shall include the following: (1) Respondent's name and  
18 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)  
19 the worksite monitor's license number, if applicable; (4) the location or location(s) of the  
20 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the  
21 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;  
22 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can  
23 lead to suspected substance abuse by Respondent. Respondent shall complete any required  
24 consent forms and execute agreements with the approved worksite monitor and the Board, or its  
25 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

26 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)  
27 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior  
28 approval, the name and qualifications of a replacement monitor who will be assuming that

responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a replacement monitor within sixty (60) calendar days of the resignation or unavailability of the monitor, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. Respondent shall cease the practice of medicine until a replacement monitor is approved and assumes monitoring responsibility.

7. **VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING LICENSEES.** Failure to fully comply with any term or condition of probation is a violation of probation.

A. If Respondent commits a major violation of probation as defined by section 1361.52, subdivision (a), of title 16 of the California Code of Regulations, the Board shall take one or more of the following actions:

(1) Issue an immediate cease-practice order and order Respondent to undergo a clinical diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice order issued by the Board or its designee shall state that Respondent must test negative for at least a month of continuous biological fluid testing before being allowed to resume practice. For purposes of determining the length of time a Respondent must test negative while undergoing continuous biological fluid testing following issuance of a cease-practice order, a month is defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until notified in writing by the Board or its designee that he or she may do so.

(2) Increase the frequency of biological fluid testing.

(3) Refer Respondent for further disciplinary action, such as suspension, revocation, or other action as determined by the Board or its designee.

B. If Respondent commits a minor violation of probation as defined by section 1361.52, subdivision (c), of title 16 of the California Code of Regulations, the Board shall take one or more of the following actions:

(1) Issue a cease-practice order;

- 1 (2) Order practice limitations;  
2 (3) Order or increase supervision of Respondent;  
3 (4) Order increased documentation;  
4 (5) Issue a citation and fine, or a warning letter;  
5 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in  
6 accordance with section 1361.5, subdivision (c)(1), of title 16 of the California Code of  
7 Regulations, at Respondent's expense;  
8 (7) Take any other action as determined by the Board or its designee.

9 C. Nothing in this Decision shall be considered a limitation on the Board's authority  
10 to revoke Respondent's probation if he or she has violated any term or condition of probation. If  
11 Respondent violates probation in any respect, the Board, after giving Respondent notice and the  
12 opportunity to be heard, may revoke probation and carry out the disciplinary order that was  
13 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed  
14 against Respondent during probation, the Board shall have continuing jurisdiction until the matter  
15 is final, and the period of probation shall be extended until the matter is final.

16 8. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
17 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
18 Chief Executive Officer at every hospital where privileges or membership are extended to  
19 Respondent, at any other facility where Respondent engages in the practice of medicine,  
20 including all physician and locum tenens registries or other similar agencies, and to the Chief  
21 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
22 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
23 calendar days.

24 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

25 9. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
26 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
27 advanced practice nurses.

28 10. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules

governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

11. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

12. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit.

Address Changes

Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code, section 2021(b).

Place of Practice

Respondent shall not engage in the practice of medicine in Respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal

Respondent shall maintain a current and renewed California physician's and surgeon's license.

Travel or Residence Outside California

Respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

In the event Respondent should leave the State of California to reside or to practice,

Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return.

13. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be available in person upon request for interviews either at Respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

14. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is defined as any period of time Respondent is not practicing medicine as defined in Business and Professions Code, sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. If Respondent resides in California and is considered to be in non-practice, Respondent shall comply with all terms and conditions of probation. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice and does not relieve Respondent from complying with all the terms and conditions of probation. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

In the event Respondent's period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete the Federation of State Medical Boards' Special Purpose Examination, or, at the Board's discretion, a clinical competence assessment program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

Respondent's period of non-practice while on probation shall not exceed two (2) years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice for a Respondent residing outside of California will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the

exception of this condition and the following terms and conditions of probation: Obey All Laws; General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or Controlled Substances; and Biological Fluid Testing.

15. COMPLETION OF PROBATION. Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.

16. VIOLATION OF PROBATION. Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

17. LICENSE SURRENDER. Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

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18. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

## ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Joseph C. Gharrity. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED:

4/19/19

Laurie R. Cooper MD

LAWRENCE RICHARD COOPER, M.D.  
*Respondent*

I have read and fully discussed with Respondent Lawrence Richard Cooper, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

4/19/19

  
JOSEPH E. GHARRITY

JOSEPH C. GHARRITY  
Attorney for Respondent

**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
submitted for consideration by the Board.

Dated: 4/22/2019

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
MARY CAIN-SIMON  
Supervising Deputy Attorney General



JOSHUA M. TEMPLET  
Deputy Attorney General  
*Attorneys for Complainant*

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21418682.docx

**Exhibit A**

**Accusation No. 800-2018-044574**

1 XAVIER BECERRA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
3 JOSHUA M. TEMPLET  
Deputy Attorney General  
4 State Bar No. 267098  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3533  
6 Facsimile: (415) 703-5480  
E-mail: Joshua.Templet@doj.ca.gov  
7 *Attorneys for Complainant*

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**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
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Case No. 800-2018-044574

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**A C C U S A T I O N**

16 **Physician's and Surgeon's**  
17 **Certificate No. G 81393,**

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
23 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
24 Affairs (Board).

25 2. On June 7, 1995, the Medical Board issued Physician's and Surgeon's Certificate  
26 Number G 81393 to Lawrence Richard Cooper, M.D. (Respondent). The Physician's and  
27 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
28 herein and will expire on April 30, 2019, unless renewed.

## JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2004 of the Code provides that the Board shall have the responsibility for the enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

5. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

6. Section 2234 of the Code states in part:

The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

7. Section 2236 of the Code states:

(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred."

8. Section 2239 of the Code states:

(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct.

(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. The Medical Board may order discipline of the licensee in accordance with Section 2227 or the Medical Board may order the denial of the license when the time for appeal has elapsed or the

1 judgment of conviction has been affirmed on appeal or when an order granting  
2 probation is made suspending imposition of sentence, irrespective of a subsequent  
3 order under the provisions of Section 1203.4 of the Penal Code allowing such person  
4 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside  
5 the verdict of guilty, or dismissing the accusation, complaint, information, or  
6 indictment.”

7 9. California Code of Regulations, title 16, section 1360, states:

8 For the purposes of denial, suspension or revocation of a license, certificate or permit  
9 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act  
10 shall be considered to be substantially related to the qualifications, functions or duties  
11 of a person holding a license, certificate or permit under the Medical Practice Act if to  
12 a substantial degree it evidences present or potential unfitness of a person holding a  
13 license, certificate or permit to perform the functions authorized by the license,  
14 certificate or permit in a manner consistent with the public health, safety or welfare.  
15 Such crimes or acts shall include but not be limited to the following: Violating or  
16 attempting to violate, directly or indirectly, or assisting in or abetting the violation of,  
17 or conspiring to violate any provision of the Medical Practice Act.

#### 18 CAUSE FOR DISCIPLINE

##### 19 **(Unprofessional Conduct: Dangerous Use of Alcohol and DUI Conviction)**

20 10. On Tuesday, December 19, 2017, at approximately 10:56 p.m., Santa Rosa Police  
21 Officers were dispatched to investigate a report that a vehicle had struck another parked vehicle at  
22 a parking lot in Santa Rosa, California, and had then fled the area. A records check revealed that  
23 the vehicle was registered to Respondent. An officer proceeded to Respondent's residence while  
24 another officer conducted a hit and run investigation.

25 11. Respondent admitted to one of the police officers that he had struck the vehicle in the  
26 parking lot and that he had then driven to his residence.

27 12. Respondent displayed objective signs of intoxication and his performance during a  
28 series of field sobriety tests was consistent with alcohol impairment. The officer arrested  
Respondent for violating Vehicle Code sections 23152(a) (driving under the influence of an  
alcoholic beverage) and 23152(b) (driving with a blood alcohol content of 0.08 percent or  
higher). Preliminary alcohol screening tests showed Respondent's blood alcohol content to have  
been 0.22% at 11:54 p.m. and 0.22% at 11:58 p.m.

13. On January 16, 2018, the Sonoma County District Attorney's Office filed a  
Misdemeanor Complaint in Sonoma County Superior Court, in Case No. SCR711883-1, charging  
Respondent with violating Vehicle Code sections 23152(a) (driving under the influence of an

1 alcoholic beverage), 23152(b) (driving with a blood alcohol content of 0.08 percent or higher),  
2 and 20002(a) (hit and run driving resulting in property damage). The Misdemeanor Complaint  
3 also included a special allegation under Vehicle Code section 23538(b)(2) (driving with a blood  
4 alcohol content of 0.20 percent or higher).

5 14. On May 11, 2018, Respondent entered a plea of no contest to the charge of violating  
6 Vehicle Code section 23152(b) (driving with a blood alcohol content of 0.08 percent or higher).  
7 Respondent also admitted to the special allegation that his blood alcohol content had been 0.20%  
8 or greater. The District Attorney's office dismissed the remaining charges.

9 15. On May 11, 2018, the court sentenced Respondent to five days of jail and 36 months of  
10 court probation. The court also ordered Respondent to pay a fine and to complete a nine-month  
11 First Offender DUI Program.

12 16. Respondent drove his car while under the influence of an excessive amount of alcohol  
13 in a manner dangerous to himself and others, in violation of Code section 2239 (dangerous use of  
14 alcohol) and section 2234 (unprofessional conduct).

15 17. Respondent's May 11, 2018 criminal conviction for driving with a blood alcohol  
16 content greater than 0.08% and his admission to the special allegation confirming his blood  
17 alcohol content to have been 0.20% or greater are substantially related to the qualifications,  
18 functions and duties of a physician and surgeon. As such, his conviction constitutes a violation of  
19 Code section 2236 (criminal conviction) and section 2234 (unprofessional conduct).

#### 20 DISCIPLINARY CONSIDERATIONS

21 18. On February 18, 2004 an Accusation was filed against Respondent before the  
22 Medical Board of California in Case Number 02-2002-140943. On January 10, 2005, a Decision  
23 became effective which stated that a Public Letter of Reprimand was to be issued upon  
24 Respondent's completion of terms and conditions. On May 9, 2005, a Public Letter of Reprimand  
25 was issued against Respondent.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board issue a decision:

4 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 81393,  
5 issued to Respondent;

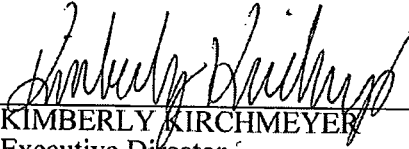
6 2. Revoking, suspending, or denying approval of Respondent's authority to supervise  
7 physician assistants and advanced practice nurses;

8 3. Ordering Respondent, if placed on probation, to pay the Board the costs of probation  
9 monitoring; and

10 4. Taking such other and further action as deemed necessary and proper.

11  
12 DATED:

13 November 21, 2018

14   
15 KIMBERLY KIRCHMEYER  
16 Executive Director  
17 Medical Board of California  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant

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